

Gavin Kogan (CA Bar No. 201564)
 Email: gkogan@mac.com
 Kogan & Associates, LLC
 147 S. River Street, Ste 234-A
 Santa Cruz, CA 95060
 (408) 361-8214 (telephone)
 (408) 907-4143 (facsimile)

Carolyn E. Wright (Pro Hac Vice)
 Email: cwright@buckleybrown.com
 Buckley Brown, P.C.
 2970 Clairmont Road NE, Suite 1010
 Atlanta, GA 30329
 (404) 633-9230 (telephone)
 (404) 633-9640 (facsimile)

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JASON O. WATSON)	
Plaintiff,)	PLAINTIFF'S ANSWER
)	TO DEFENDANT'S
vs.)	COUNTERCLAIM FOR DAMAGES
)	
)	
ROLLIN R. HEASSLER)	
Defendant.)	CASE NO. CV 08-01851 JCS
)	
)	

COMES NOW, Plaintiff JASON O. WATSON, and submits this, his Answer to Defendant's Counterclaim for Damages as follows:

FIRST DEFENSE

Defendant's Counterclaim, in whole or in part, fails to state a claim against Plaintiff Watson upon which relief may be granted.

SECOND DEFENSE

Defendant's Counterclaim against Plaintiff Watson should be dismissed because this Court lacks subject matter jurisdiction.

THIRD DEFENSE

Defendant's Counterclaim against Plaintiff Watson should be dismissed due to insufficient process and insufficient service of process.

FOURTH DEFENSE

Defendant's Counterclaim is barred by the doctrines of accord and satisfaction.

FIFTH DEFENSE

Defendant's Counterclaim is barred by Defendant's failure to mitigate his damages.

SIXTH DEFENSE

Defendant's Counterclaim is barred by the doctrines of unclean hands, estoppel, and/or inequitable conduct and dealings with Plaintiff Watson.

SEVENTH DEFENSE

No alleged breach of duty or other acts by Plaintiff Watson was a proximate cause of any damages alleged by Defendant.

EIGHTH DEFENSE

To the extent as may be shown by evidence through discovery which provides factual or legal support, Plaintiff Watson asserts and reserves the defenses of fraud, illegality, exclusive remedy, statutes of limitation and waiver.

NINTH DEFENSE

For its Ninth Defense, Plaintiff Watson answers the enumerated paragraphs of Defendant's Counterclaim as follows:

COUNTERCLAIM FOR DAMAGES

1. Answering paragraph 1 of Defendant Heassler's Counterclaim, Plaintiff Watson admits that Defendant Heassler has filed a countersuit for damages. Plaintiff Watson denies the remaining allegations in paragraph 1.

JURISDICTION AND VENUE

2. Answering paragraph 2 of Defendant Heassler's Counterclaim, Plaintiff Watson admits that Defendant Heassler's Counterclaim is based on state law claims. Plaintiff Watson denies the remaining allegations in paragraph 2.

1 3. Plaintiff Watson denies the allegations in paragraph 3 of Defendant Heassler's
2 Counterclaim.

3 PARTIES

4 4. Plaintiff Watson is without sufficient knowledge or information to form a belief as
5 the truth of the allegations contained in paragraph 4 of Defendant Heassler's Counterclaim
6 and on that basis denies the allegations contained therein.

7 5. Plaintiff Watson admits the allegations contained in paragraph 5 of Defendant
8 Heassler's Counterclaim.

9 6. Plaintiff Watson admits that Carolyn E. Wright is an attorney admitted *pro hac vice*
10 in this action to represent Plaintiff Watson. Plaintiff Watson denies the remaining
11 allegations in paragraph 6.

12 7. Plaintiff Watson is without sufficient knowledge or information to form a belief as
13 the truth of the allegations contained in paragraph 7 of Defendant Heassler's Counterclaim
14 and on that basis denies the allegations contained therein.

15 8. Plaintiff Watson denies the allegations contained in paragraph 8 of Defendant
16 Heassler's Counterclaim.

17 FACTUAL ALLEGATIONS

18 9. Plaintiff Watson denies the allegations contained in paragraph 9 of Defendant
19 Heassler's Counterclaim.

20 10. Plaintiff Watson denies the allegations contained in paragraph 10 of Defendant
21 Heassler's Counterclaim.

22 11. Plaintiff Watson denies the allegations contained in paragraph 11 of Defendant
23 Heassler's Counterclaim.

24 FIRST CAUSE OF ACTION

25 12. In response to Paragraph 12, Plaintiff Watson re-alleges and incorporates by
26 reference his previous responses to Paragraphs 1 through 11 of Defendant Heassler's
27 Counterclaim as if restated verbatim, including all defenses.

28 13. Plaintiff Watson denies the allegations contained in paragraph 13 of Defendant

1 Heassler's Counterclaim.

2 SECOND CAUSE OF ACTION

3 14. In response to Paragraph 14, Plaintiff Watson re-alleges and incorporates by
4 reference his previous responses to Paragraphs 1 through 13 of Defendant Heassler's
5 Counterclaim as if restated verbatim, including all defenses.

6 15. Plaintiff Watson denies the allegations contained in paragraph 15 of Defendant
7 Heassler's Counterclaim.

8 16. Plaintiff Watson denies the allegations contained in paragraph 16 of Defendant
9 Heassler's Counterclaim.

10 THIRD CAUSE OF ACTION

11 17. In response to Paragraph 17, Plaintiff Watson re-alleges and incorporates by
12 reference his previous responses to Paragraphs 1 through 16 of Defendant Heassler's
13 Counterclaim as if restated verbatim, including all defenses.

14 18. Plaintiff Watson denies the allegations contained in paragraph 18 of Defendant
15 Heassler's Counterclaim.

16 19. Plaintiff Watson denies the allegations contained in paragraph 19 of Defendant
17 Heassler's Counterclaim.

18 FOURTH CAUSE OF ACTION

19 20. In response to Paragraph 20, Plaintiff Watson re-alleges and incorporates by
20 reference his previous responses to Paragraphs 1 through 19 of Defendant Heassler's
21 Counterclaim as if restated verbatim, including all defenses.

22 21. Plaintiff Watson denies the allegations contained in paragraph 21 of Defendant
23 Heassler's Counterclaim.

24 22. Plaintiff Watson denies the allegations contained in paragraph 22 of Defendant
25 Heassler's Counterclaim.

26 FIFTH CAUSE OF ACTION

27 23. In response to Paragraph 23, Plaintiff Watson re-alleges and incorporates by
28 reference his previous responses to Paragraphs 1 through 22 of Defendant Heassler's

Counterclaim as if restated verbatim, including all defenses.

24. Plaintiff Watson denies the allegations contained in paragraph 24 of Defendant Heassler's Counterclaim.

25. Plaintiff Watson denies the allegations contained in paragraph 25 of Defendant Heassler's Counterclaim.

All allegations not specifically responded to are denied.

WHEREFORE, having fully responded to Defendant Heassler's Counterclaim, Plaintiff Watson prays for relief as follows:

1. The Court inquire into this matter and dismiss Defendant Heassler's Counterclaim, casting all costs upon Defendant;
2. Plaintiff Watson be awarded his attorneys' fees and costs; and
3. The Court to grant such other relief as the Court deems justice to demand.

Respectfully submitted, this 14th day of July, 2008,

/s/ Carolyn E. Wright

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Email: cwright@buckleybrown.com
Buckley Brown, P.C.
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Atlanta, GA 30329
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Attorneys for Plaintiff

Plaintiff Watson Demands Trial by Jury

CERTIFICATE OF SERVICE

I certify that on July 14th, 2008, I electronically filed

PLAINTIFF'S ANSWER TO DEFENDANT'S COUNTERCLAIM FOR DAMAGES

with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notifications to all counsel of record:

David P. Morales, Esq.
The Morales Law Firm
1414 Soquel Avenue, Suite 212
Santa Cruz, California 95062

Respectfully submitted, this 14th day of July, 2008,

/s/ Carolyn E. Wright

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